

TITLE 80: PUBLIC OFFICIALS AND EMPLOYEES
SUBTITLE D: RETIREMENT SYSTEMS
CHAPTER III: TEACHERS' RETIREMENT SYSTEM OF THE STATE OF ILLINOIS

PART 1650
THE ADMINISTRATION AND OPERATION OF THE
TEACHERS' RETIREMENT SYSTEM

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AUTHORITY: Implementing and authorized by Articles 1 and 16 of the Illinois Pension Code [40 ILCS 5/Arts. 1 and 16]; Freedom of Information Act [5 ILCS 140]; Internal Revenue Code (26 USC 1 et seq.); Section 5-15 of the Illinois Administrative Procedure Act [5 ILCS 100/5-15].

SOURCE: Filed June 20, 1958; emergency rules adopted at 2 Ill. Reg. 49, p. 249, effective November 29, 1978, for a maximum of 150 days; adopted at 3 Ill. Reg. 9, p. 1, effective March 3, 1979; codified at 8 Ill. Reg. 16350; amended at 9 Ill. Reg. 20885, effective December 17, 1985; amended at 12 Ill. Reg. 16896, effective October 3, 1988; amended at 14 Ill. Reg. 18305, effective October 29, 1990; amended at 15 Ill. Reg. 16731, effective November 5, 1991; amended at 17 Ill. Reg. 1631, effective January 22, 1993; amended at 18 Ill. Reg. 6349, effective April 15, 1994; emergency amendment at 18 Ill. Reg. 8949, effective May 24, 1994, for a maximum of 150 days; emergency modified at 18 Ill. Reg. 12880; amended at 18 Ill. Reg. 15154, effective September 27, 1994; amended at 20 Ill. Reg. 3118, effective February 5, 1996; emergency amendment at 21 Ill. Reg. 483, effective January 1, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 2422, effective January 31, 1997; amended at 21 Ill. Reg. 4844, effective March 27, 1997; emergency amendment at 21 Ill. Reg. 17159, effective December 9, 1997, for a maximum of 150 days; amended at 22 Ill. Reg. 7243, effective April 9, 1998; emergency amendment at 22 Ill. Reg. 7314, effective April 9, 1998, for a maximum of 150 days; emergency amendment at 22 Ill. Reg. 9374, effective May 14, 1998, for a maximum of 150 days; emergency rule modified in response to JCAR Objection at 22 Ill. Reg. 11640; emergency amendment at 22 Ill. Reg. 13151, effective June 29, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 15620, effective August 17, 1998; amended at 22 Ill. Reg. 19079, effective October 1, 1998; amended at 22 Ill. Reg. 22090, effective December 1, 1998; amended at 23 Ill. Reg. 3079, effective February 23, 1999; amended at 24 Ill. Reg. 2440, effective January 27, 2000; amended at 24 Ill. Reg. 10300, effective June 26, 2000; amended at 25 Ill. Reg. 203, effective December 22, 2000; amended at 26 Ill. Reg. 2758, effective February 11, 2002; amended at 26 Ill. Reg. 11476, effective July 11, 2002; amended at 27 Ill. Reg. 1668, effective January 17, 2003; amended at 27 Ill. Reg. 9209, effective May 28, 2003; amended at 28 Ill. Reg. 10055, effective June 29, 2004; amended at 29 Ill. Reg. 1546, effective January 14, 2005; amended at 29 Ill. Reg. 13244, effective August 9, 2005; amended at 30 Ill. Reg. 194, effective December 23, 2005; amended at 30 Ill. Reg. 472, effective December 21, 2005; amended at 30 Ill. Reg. 11728, effective June 23, 2006; amended at 30 Ill. Reg. 17525, effective October 18, 2006; amended at 31 Ill. Reg. 10688, effective July 13, 2007; amended at 32 Ill. Reg. 4073, effective February 28, 2008; amended at 32 Ill. Reg. 7979, effective May 6, 2008; amended at 32

Ill. Reg. 13534, effective August 6, 2008; amended at 33 Ill. Reg. 4401, effective March 3, 2009; amended at 33 Ill. Reg. 15863, effective November 2, 2009; amended at 34 Ill. Reg. 4900, effective March 22, 2010; amended at 34 Ill. Reg. 7787, effective May 21, 2010; amended at 35 Ill. Reg. 2413, effective January 21, 2011; amended at 35 Ill. Reg. 2788, effective January 25, 2011; amended at 35 Ill. Reg. 3781, effective February 18, 2011; amended at 35 Ill. Reg. 19541, effective November 18, 2011; amended at 36 Ill. Reg. 7688, effective May 4, 2012; amended at 36 Ill. Reg. 18914, effective December 14, 2012; amended at 37 Ill. Reg. 5150, effective April 4, 2013; amended at 38 Ill. Reg. 21239, effective October 21, 2014; amended at 39 Ill. Reg. 5259, effective March 20, 2015; amended at 39 Ill. Reg. 14989, effective October 30, 2015; amended at 40 Ill. Reg. 14099, effective September 28, 2016; amended at 41 Ill. Reg. 718, effective January 11, 2017; amended at 41 Ill. Reg. 14256, effective November 8, 2017; amended at 42 Ill. Reg. 13666, effective June 29, 2018; amended at 42 Ill. Reg. 22238, effective November 20, 2018; amended at 43 Ill. Reg. 5115, effective April 22, 2019; amended at 43 Ill. Reg. 10791, effective September 23, 2019; amended at 44 Ill. Reg. 7905, effective April 24, 2020; amended at 47 Ill. Reg. _____, effective _____.

SUBPART B: BASIC RECORDS AND ACCOUNTS

Section 1650.180 Filing and Payment Requirements

~~a) All employers are required to forward member and employer contributions and amounts required under Article 16 of the Illinois Pension Code [40 ILCS 5] (Code) to the System after the close of each pay period or bi-monthly, if a State Institution, and to file an annual report of earnings with the System on or before August 15 of each year. The annual report will no longer be required after monthly reporting is implemented as provided in this Section. Failure to forward contributions or to file reports shall result in additional amounts due as prescribed by Section 16-155 of the Code.~~

~~ab) Effective July 1, 2020, all employers must file reports with the System including demographic, enrollment and earnings information, together with contributions required under Article 16 of the Illinois Pension Code (Code) [40 ILCS 5], on either a pay-period basis or monthly frequency. After choosing to report on a pay-period or monthly frequency with the first report submitted after July 1, 2020, all future reports must conform to the same filing frequency. If monthly reporting is chosen, all payrolls occurring within the month must be included in a single monthly report.~~

be) Reports and contributions due for the month must be remitted to the System by the 10th day of the following month. Late contributions and filings will be assessed penalties prescribed by Section 16-155 of the Code, as determined by the System.

- cd) The employer's report shall be properly completed and shall report service, creditable earnings, and contributions in accordance with applicable laws and rules. The exact statutory amount of contributions must be:
- 1) deducted from the member's pay; and/or
 - 2) paid on behalf of the member, based on the member's earnings each pay period.
- de) Employers are required to file the report via the System's employer portal. All contributions and payments must be remitted to the System via electronic means.
- ef) Contributions for work performed during the fiscal year are due to the System by July 10 of the following fiscal year. Effective July 1, 2020, employers cannot accelerate the payment of contributions (i.e., send more than the statutory contribution rate) in order to meet the July 10 deadline. Rather, the employer must remit all contributions corresponding with each payroll occurring within that month. To be allowed to remit the appropriate contributions to TRS by the July 10 deadline, employers must report all payrolls that will cover the work performed during the fiscal year ended June 30, even if the members will be paid in July and August. The contributions due are based on the statutory rates in effect for the fiscal year of the report.
- f) All employers are required to complete an Annual Certification/Annual Report via the System's employer portal on or before August 15 of each year. Failure to complete the Annual Certification/Annual Report by the due date shall result in additional amounts due as prescribed by Section 16-155 of the Code.

(Source: Amended at 47 Ill. Reg. _____, effective _____)

Section 1650.182 Waiver of Additional Amounts Due

- a) The System may waive additional amounts due upon good cause shown when:
- 1) The delinquency is attributable to circumstances commonly known as an "act of God", such as fire, flood, tornado and the like; or
 - 2) The delinquency is attributable to other administrative reasons where no employer negligence is involved; the employer's record indicates a history of good faith and consistent compliance with the System's contribution and reporting requirements; and the employer remits the pay-period report(s)~~annual report of earnings~~ and/or required contributions within a reasonable time as determined by the System taking into consideration the

reason for delinquency and the period of delinquency.

- b) Circumstances purporting to justify a waiver of the additional amounts due must be certified in writing to the System by an authorized representative of the employer requesting a waiver.

(Source: Amended at 47 Ill. Reg. _____, effective _____)

SUBPART E: CONTRIBUTION CREDITS AND PAYMENTS

Section 1650.450 Compensation Recognized As "Salary"

- a) "Salary" means any form of creditable compensation received by a member in consideration of services rendered as a teacher, subject to all applicable limits and restrictions imposed on qualified plans under the Internal Revenue Code. "Salary" directly related to specific work performed during a school year is recognized on an accrual basis. Other creditable compensation is recognized on a cash basis. The System reserves the right to determine the year of salary recognition. The following common examples are for illustration only and do not limit the System's right to evaluate and determine other forms of creditable and non-creditable compensation.
- b) Examples of creditable compensation recognized as "salary":
 - 1) The gross amount of compensation earned or accruing to the member during the school year in a function requiring certification as a teacher.
 - 2) Additional compensation earned during the school year for the performance of extra duties, not requiring teacher certification, but which involve the supervision of students or are related to the academic program, provided the member is employed as a full-time or part-time contractual teacher and establishes active service credit in that position during the school year.
 - 3) The amount of back salary awarded to a member as a result of a settlement or judgment obtained due to a disputed dismissal, suspension or demotion. Court costs, attorney's fees, other compensatory damages and punitive damages shall not be reportable as salary. The back salary amount reported to the System under this Section shall be equal to the amount the member would have earned had the dispute not occurred, regardless of the actual amount paid.
 - 4) Lump-sum payments (e.g., retirement incentives, bonuses, payments for

unused vacation and sick days) ~~received by the member or~~ becoming due and payable to the member prior to or concurrent with receipt of final paycheck for regular earnings or last paid day of work, whichever occurs last.

- 5) Contributions made by or on behalf of the member to qualified deferred compensation plans (sections 401(a) and 457(b) of the Internal Revenue Code), salary reduction plans or tax sheltered annuities under section 403(b) of the Internal Revenue Code.
- 6) Amounts that would otherwise qualify as salary under subsections (b)(1) through (b)(5) but are not received directly by the member because they are used to finance benefit options in a flexible benefit plan; provided, however, that to be reportable, a flexible benefit plan cannot include non-qualifying deferred compensation. For the System's purposes, a flexible benefit plan is an option offered by an employer to its employees covered under the System to receive an alternative form of creditable compensation in lieu of employer-provided insurance.

c) Examples of non-creditable compensation not recognized as "salary":

- 1) At termination, lump~~Lump~~-sum payments (e.g., retirement incentives, bonuses, payments for unused vacation and sick days) becoming due and payable to the member subsequent to receipt of final paycheck for regular earnings or last paid day of work, whichever occurs last.
- 2) Any lump sum payment made after the death of the member.
- 3) Expense reimbursements, expense allowances, or fringe benefits unless included in a reportable flexible benefit plan.
- 4) Any monies received by the member under the Workers' Compensation Act or the Workers' Occupational Diseases Act.
- 5) Compensation for extra duties not requiring teacher certification performed by substitute and part-time non-contractual teachers.
- 6) Any amount paid in lieu of discontinued or decreased non-reportable benefits, or reported in lieu of previously non-reported compensation, where the conversion occurs in the member's final seven years of service. If any form of non-creditable or non-reported compensation in any of the member's last seven creditable school years of employment exceeds that of any other subsequent year, the System will presume the difference to

have been converted into salary in the subsequent year. To overcome the presumption, the member must submit documentary evidence to the System that clearly and convincingly proves that the change in compensation structure was due to a change in a collectively bargained agreement applicable to all individuals covered by the agreement, a change in employer policies affecting a group of similarly situated members some of whom are not within seven years of retirement eligibility, or a change in family status, and not to increase final average salary.

- 7) Any amount paid by an employer as the employer's one time contribution (or on behalf of the employee as the employee's one-time contribution) required by the System as part of the statutory early retirement option in Section 16-133.2 of the Act.
- 8) Options to take salary in lieu of employment-related expense allowances or reimbursements.
- 9) Employer payment of the member's Teachers Health Insurance Security Fund contribution.
- 10) Commissions (i.e., payments to a member based upon a percentage formula).
- 11) Contributions to and distributions from nonqualified deferred compensation arrangements.
- 12) Employer contributions to and distributions from medical spending accounts.

(Source: Amended at 47 Ill. Reg. _____, effective _____)

SUBPART F: ANNUITANTS AND BENEFICIARIES

Section 1650.520 Suspension of Benefits

- a) Monthly benefit payments may be suspended when four monthly warrants remain uncashed. The System shall notify the benefit recipient in writing of the suspension. To remove the suspension of benefits, the System may require the recipient to provide a valid depository agreement authorizing funds to be electronically deposited into the recipient's bank account in lieu of paper warrants.
- b) Recipients of a non-occupational disability benefit, occupational disability

benefit, disability retirement annuity, or monthly survivor benefit who fail to return documentation of continued eligibility within the specified time period shall have their monthly benefit payment suspended. Upon receipt of the required documentation and upon determination of continued eligibility, these and subsequent payments shall be made.

- e) ~~To guard against unauthorized overpayment, the System shall suspend benefits or refunds during the pendency of felony charges against a member when a conviction could result in forfeiture of benefits under Section 16-199 of the Code.~~

(Source: Amended at 47 Ill. Reg. _____, effective _____)

SUBPART K: PUBLIC RECORD REQUESTS

Section 1650.930 Submission of Requests

- a) Public record requests made in accordance with the Freedom of Information Act (FOIA) [5 ILCS 140] should be submitted via the System's Public Records Center, accessible on the TRS website: trsil.org. Record requests may also be sent to the attention of the ~~to the General Counsel's Office, ATTN: FOIA Officer,~~ Teachers' Retirement System of the State of Illinois, P.O. Box 19253, 2815 West Washington, Springfield, Illinois 62794-9253, FOIAOfficer@trsil.org, ~~or may be sent via electronic mail to: FOIAofficer@trs.illinois.gov.~~

- b) ~~The public record request is deemed received on the date it is received in the System's General Counsel's Office.~~

- be) The request must be in writing and include the following information:

- ~~1)~~ ~~The requestor's name, mailing address that accepts U.S. certified mail, telephone number, and email address, if any.~~
- 12) A specific description of the public records requested.
- 23) Whether the requestor seeks copies or personal inspection of the public records.
- 34) Whether the public record is being obtained for a commercial purpose.

(Source: Amended at 47 Ill. Reg. _____, effective _____)

Section 1650.995 Materials Immediately Available

Detailed information about the System is publicly and immediately available at the TRS [website: trsil.org](http://trsil.org) ~~web site: www.trsil.org~~. The TRS ~~website~~ ~~web site~~ provides contact information, a description of purpose, membership, key statutory provisions, benefits, funding, administrative structure and budget, the most recent ~~Comprehensive~~ Annual [Comprehensive](#) Financial Report (~~ACFR~~ ~~CAFR~~), member brochures and publications, employer services, legislative matters, investments, board of trustees, board and committee meeting minutes ~~and audiotapes~~, administrative review decisions, administrative rules, an online pressroom, and vendor information.

(Source: Amended at 47 Ill. Reg. _____, effective _____)

SUBPART L: BOARD ELECTION PROCEDURES

Section 1650.1000 Nomination of Candidates

- a) Any candidate for a vacant teacher position on the System's Board of Trustees shall be nominated [in the manner prescribed by the System which may be](#) by a written petition [and/or a petition with electronic signatures submitted via an independent, secure, third-party vendor selected by the System](#), signed by no fewer than 500 individuals who, as of the date of signing, were teachers as defined in Section 16-106 of the Illinois Pension Code [40 ILCS 5/16-106].
- b) Any candidate for a vacant annuitant position on the System's Board of Trustees shall be nominated [in the manner prescribed by the System which may be](#) by a written petition [and/or a petition with electronic signatures submitted via an independent, secure, third-party vendor selected by the System](#), signed by no fewer than 500 individuals who, as of the date of signing, were annuitants as defined in Section 16-111.1 of the Illinois Pension Code [40 ILCS 5/16-111.1].
- c) Petitions may be circulated for signatures ~~by any individual or entity~~ for a period of time as follows:
 - 1) For a regular election, commencing the November 1 immediately preceding the election date and ending with the time for filing such petition with the ~~System Board's secretary~~ as provided in subsection [\(c\)](#) ~~(b)(4)~~ of Section 1650.1010;
 - 2) For a special election as provided in Section 1650.1090, commencing the date that the Board's secretary announces that a special election will be held and for a two-week period thereafter.
- d) An individual eligible to sign a petition nominating a candidate for a vacant teacher position on the Board may sign petitions for as many candidates as

desired.

- e) An individual eligible to sign a petition nominating a candidate for a vacant annuitant position on the Board may sign petitions for as many candidates as desired.

(Source: Amended at 47 Ill. Reg. _____, effective _____)

Section 1650.1010 Petitions

- a) All petitions shall be in the form adopted by the System. Petition forms may be obtained from the System's ~~website~~Website (trsil.org) beginning November 1 immediately preceding the election date.~~or in hard copy, upon request.~~
- b) A valid petition nominating a candidate for a vacant teacher position or a vacant annuitant position on the System's Board of Trustees must bear the requisite number of signatures of individuals eligible to nominate the candidate pursuant to Section 1650.1000(a) or (b).~~shall meet the following requirements:~~
 - 1) ~~The petition must bear the requisite number of original signatures of individuals eligible to nominate the candidate pursuant to Section 1650.1000(a) or (b). A valid petition may consist of multiple pages and may contain blank signature lines; however, all valid signatures on the petition must be original signatures.~~
 - 2) ~~The petition shall bear the notarized signature of the individual who circulated the petition for signatures, verifying that the signatures were signed in that individual's presence and are genuine, and that, to the best of the circulating individual's knowledge, the persons who signed the petition were eligible to do so as provided in Section 1650.1000(a) or (b).~~
 - 3) ~~Petitions shall be filed with the Board's secretary during the following time periods:~~
- c) Petitions shall be filed with the System during the following time periods:
 - 1) For a regular election, not less than 90 nor more than 120 days prior to the election day.
 - 2) For a special election as provided in Section 1650.1090, beginning with the Board's secretary's announcement that a special election will be held and no later than the petition-filing deadline announced by the Board's secretary.

3) Petitions filed after the prescribed petition-filing period will not be accepted.

4) Petitions filed before the prescribed petition-filing period will be returned to the party submitting the petition for filing but may be refiled within the prescribed petition-filing period.

A) ~~For a regular election, not less than 90 nor more than 120 days prior to the election day.~~

B) ~~For a special election as provided in Section 1650.1090, beginning with the Board's secretary's announcement that a special election will be held and no later than the petition-filing deadline announced by the Board's secretary.~~

4) ~~Petitions filed after the prescribed petition-filing period are invalid and will be returned to the party submitting the petition for filing.~~

5) ~~Petitions filed before the prescribed petition-filing period will be returned to the party submitting the petition for filing, but may be refiled within the prescribed petition-filing period.~~

de) The ~~System~~Board's secretary shall determine the validity of petitions for regular elections not less than 75 days prior to the election day, and for special elections not less than 20 days prior to the election day.

ed) Any individual may, upon reasonable notice to the System, request to examine the petitions that have been filed with the System with respect to the election to take place; provided, however, in order to protect the signing teachers' and annuitants' privacy and confidentiality, the examination shall only take place subject to the following limitations:

1) Petitions may only be examined at the System's offices after the validity of the petitions has been verified by the ~~System~~Board's secretary as provided in subsection (de);

2) Petitions shall not be transferred, ~~removed from the System's offices~~, copied, or duplicated by any means; and

3) Petitions, including any information in the petition, shall not be subject to production or disclosure under the Illinois Freedom of Information Act (FOIA) [5 ILCS 140].

(Source: Amended at 47 Ill. Reg. _____, effective _____)

Section 1650.1030 Election Materials

- a) An eligible voter who has provided the System with a valid electronic mail address will receive electronic election materials ~~via electronic mail~~ at least 20 days prior to the election day. The System's electronic ballot and voting processes may be conducted via an independent, secure, third-party vendor selected by the System and shall conform in all material aspects with the manual balloting provisions provided in Section 16-165 of the Illinois Pension Code [40 ILCS 5/16-165].
- b) An eligible voter who does not wish or is unable to vote electronically may request that manual election materials be sent to him or her via U.S. mail in accordance with the manual balloting provisions provided in Section 16-165 of the Illinois Pension Code [40 ILCS 5/16-165].
- c) An eligible voter who has not provided the System with a valid electronic mail address will receive manual election materials via U.S. mail as provided in Section 16-165 of the Illinois Pension Code [40 ILCS 5/16-165].
- d) An eligible voter who has not received any or all of the election materials must contact the System at least 10 days prior to the election day, to request that the System send manual election materials to him or her. After verifying that the requesting individual is an eligible voter as provided in Section 1650.1020, the System shall send a written certification of nonreceipt in the form prescribed by the System and the manual election materials via U.S. mail.
- e) If previously mailed manual election materials are returned to the System undelivered at least 10 days prior to the election day and a forwarding address has been provided, the System shall mail manual election materials to the forwarding address via U.S. mail.

(Source: Amended at 47 Ill. Reg. _____, effective _____)

Section 1650.1040 Marking of Ballots

A valid ballot must conform to the following requirements:

- a) All choices of candidates must be clearly indicated as prescribed by the instructions accompanying the ballot. If the marking of the ballot does not conform to all instructions accompanying the ballot, the ballot ~~and, for written~~

~~ballots, by a cross mark consisting of two lines which intersect inside the square immediately before the name of the selected candidate. If two lines do not intersect inside the square, the mark~~ is invalid and will not be counted.

- b) Each eligible voter is entitled to only one vote for any particular candidate.
- c) When there are two trustees to be elected, each eligible voter may vote for only one candidate for each position to be elected. If more than two candidates are selected, the ballot is invalid and will not be counted. If only one candidate is selected, the selection will count as only one vote.
- d) Manual entries of candidates not listed on the ballot are invalid and will not be counted.

(Source: Amended at 47 Ill. Reg. _____, effective _____)

Section 1650.1050 Return of Ballots

- a) Written Ballots
 - 1) For written ballots, upon receipt of the election materials specified in Section 1650.1030, the eligible voter shall:
 - A) Mark his or her ballot in accordance with Section 1650.1040;
 - B) Write his or her signature, address, and member ID or the last four digits of his or her social security number on the signature card;
 - C) Detach the completed ballot and signature card along the perforated lines;
 - D) Place the completed ballot into the envelope marked "For Ballot Only";
 - E) Place the completed signature card and the ballot envelope into the return envelope; and
 - F) Attach postage, seal and mail, via U.S. mail or express delivery service, the return envelope in time to reach the [address provided by the](#) System at or prior to 10:00 a.m. on the election day.
 - 2) Written ballots not returned in the "For Ballot Only" envelope are invalid and will not be counted.

- 775
- 776 b) Ballots must be received ~~at the System~~ at or prior to 10:00 a.m. on the election
- 777 day. Ballots received after 10:00 a.m. on the election day are invalid and will not
- 778 be counted.
- 779
- 780 c) All eligible voters must return their ballots to the System electronically via the
- 781 independent, secure, third-party vendor selected by the System, or for written
- 782 ballots, individually to the address provided by the System via electronic mail,
- 783 U.S. mail or express delivery service. Ballots returned to the System in bulk, via
- 784 hand delivery, or delivery other than as specified in this subsection, are invalid
- 785 and will not be counted.
- 786
- 787 d) Ballots that do not conform to all instructions accompanying the ballot are invalid
- 788 and will not be counted.
- 789

790 (Source: Amended at 47 Ill. Reg. _____, effective _____)

791

792 **Section 1650.1060 Observation of Ballot Counting**

793

794 Any person may observe the ballot counting process beginning at 10:00 am on the election day

795 ~~as only from the areas~~ specifically designated by the System election coordinator. Observer

796 identification will be verified by the System. ~~Upon arrival, the observer shall identify himself or~~

797 ~~herself to the election coordinator who will provide a badge that must be worn while on the~~

798 ~~premises. The observer will be escorted by the election coordinator to the areas where~~

799 ~~observation is to take place.~~ An observer who attempts to challenge or disrupt the ballot counting

800 process will be removed from observation. ~~be escorted from the premises.~~

801

802 (Source: Amended at 47 Ill. Reg. _____, effective _____)

803

804 **SUBPART M: QUALIFIED ILLINOIS DOMESTIC RELATIONS ORDERS**

805

806 **Section 1650.1117 QILDROs Against Persons Who Became Members Prior to July 1, 1999**

807

- 808 a) A QILDRO that applies to a person who became a member of the System prior to
- 809 July 1, 1999 must be accompanied by the original Consent to Issuance of
- 810 QILDRO signed by the member. If the original has been filed with the court, a
- 811 certified copy of the original is acceptable.
- 812
- 813 b) The Consent to Issuance of QILDRO must be in the form adopted by the System
- 814 as of the valid receipt date of the QILDRO. The required consent form is
- 815 available from the System on the System's website trsil.org, web site,
- 816 trs.illinois.gov, or upon request. A consent form that is not in the form adopted
- 817 by the System is invalid.

- c) In accordance with Section 1-119(m)(1) of the Act [40 ILCS 5/1-119(m)(1)], a consent form must be signed by the member to whom the QILDRO applies. A consent form signed by a judge or any person other than the member is invalid. In the event of a dispute regarding the validity of a member's consent to issuance of a QILDRO, the System may, in its sole discretion, require a consent form bearing the member's notarized signature.

(Source: Amended at 47 Ill. Reg. _____, effective _____)

Section 1650.1123 Suspension and Expiration of a QILDRO

- a) If a member who is an annuitant of the System subject to a valid QILDRO re-enters active TRS membership, payments to the alternate payee will be suspended for the same period of time that the member's retirement benefits are suspended. Resumption of the alternate payee's payments will be subject to the same limitations that apply to resumption of the member's benefits.
- b) A QILDRO expires:
- 1) Upon the death of the alternate payee, in which case the right to receive the affected benefit or refund will revert to the member or the member's designated beneficiaries.
 - 2) Upon the death of the member and payment of all amounts subject to the QILDRO.
 - 3) When the member takes a refund that terminates his or her membership in the System, even if the member's refund is paid to an alternate payee. A QILDRO that expires because the member took a refund is not revived by the member's subsequent return to membership in the System.
 - 4) In accordance with the provisions of a valid court order terminating the QILDRO.
 - 5) After payment of all amounts provided in the QILDRO.
 - 6) Upon receipt of a valid QILDRO applicable to the same member and alternate payee as provided in subsection (c).
- c) Only one valid QILDRO may be in effect at any given time for the same member and alternate payee. If the System has a valid QILDRO on file and subsequently receives another valid QILDRO applicable to the same member and alternate

payee, the subsequently received valid QILDRO shall supersede and replace the immediately preceding valid QILDRO, and the immediately preceding valid QILDRO shall be terminated. A QILDRO that is terminated due to receipt of a subsequent valid QILDRO is not revived by a court order vacating or terminating the subsequent QILDRO.

(Source: Amended at 47 Ill. Reg. _____, effective _____)